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Attorneys for Defendants
 Kellogg Co., Kellogg USA, Inc., Kellogg Sales Co.

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

SABENA LAKSHMI KAMMULA,
 individually and on behalf of all others
 similarly situated,

Plaintiff,

v.

KELLOGG COMPANY, a Delaware
 corporation; KELLOGG USA, INC., a
 Michigan corporation; KELLOGG
 SALES COMPANY, a Delaware
 corporation, and DOES 1 through 100,
 inclusive,

Defendants.

No. CV 09-08102 (MMM) (RZx)

**DECLARATION OF RICHARD P.
 STEINKEN IN SUPPORT OF
 DEFENDANTS' *EX PARTE*
 APPLICATION TO CONTINUE
 HEARING ON PLAINTIFF'S
 MOTION FOR CLASS
 CERTIFICATION**

[*Ex Parte* Application, Memorandum of
 Points and Authorities, and Proposed
 Order concurrently herewith]

1 I, Richard P. Steinken, declare:

2 1. I am a Partner in the Chicago office of Jenner & Block LLP, counsel for
3 the Defendants in this action. If called to testify, I would and could testify with
4 personal knowledge as to all of the following.

5 2. At the request of Plaintiff's counsel, Defendants agreed to enter into a
6 joint stipulation asking that the original deadline for filing a motion for class
7 certification be extended to a date to be determined at the initial status conference
8 currently set for March 29, 2010. A true and correct copy of the joint stipulation filed
9 with the Court is attached hereto as Exhibit A.

10 3. On February 18, 2010, the Court, on its own motion, entered an order
11 continuing the hearing on Plaintiff's motion for class certification to April 12, 2010.
12 A true and correct copy of the Court's order is attached hereto as Exhibit B.

13 4. Plaintiff's counsel served three sets of interrogatories and document
14 requests on Defendants on March 2, 2010. Each set contains 47 specific document
15 requests and 18 interrogatories.

16 5. I asked Wayne S. Kreger and Sara D. Avila, counsel for Plaintiff, to enter
17 into a stipulation asking the Court to continue the hearing on Plaintiff's motion for
18 class certification by 30 days to permit adequate discovery for all parties. Counsel for
19 Plaintiff refused to enter into that stipulation, and instead proposed a two week
20 continuance of the hearing. I rejected that proposal because a two week continuance
21 would be unfair to the Defendants: It would allow Plaintiff's attorneys to obtain
22 discovery before they filed their reply brief, but Defendants would not have the
23 benefit of any discovery before filing the opposition brief.

24 6. A 30-day continuance of the hearing on Plaintiff's motion for class
25 ~~certification is necessary to permit Defendants to serve written discovery and depose~~
26 ~~the Plaintiff on topics necessary to determine whether the purported class satisfies the~~
27 Rule 23 prerequisites.

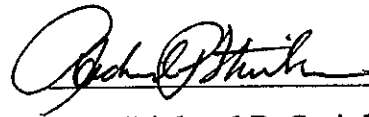
28 7. Defendants (as well as Plaintiff) did not propound discovery in advance

1 of the date on which Plaintiff filed her motion for class certification. I believed in
2 good-faith that Plaintiff's deadline for filing her motion for class certification would
3 be extended to a date following the initial status conference, currently scheduled for
4 March 29, 2010, in accordance with the joint stipulation filed with the Court.

5 8. I advised counsel for Plaintiff on March 4, 2010 that Defendants would
6 be filing an *ex parte* application requesting a 30-day continuance of the hearing on
7 Plaintiff's motion for class certification. Plaintiff's counsel will oppose this
8 application.

9 I declare under penalty of perjury under the laws of the State of California that
10 the foregoing is true and correct.

11 Executed on March 5, 2010 in Chicago, Illinois.

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15 Richard P. Steinken
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EXHIBIT A

**MILSTEIN, ADELMAN & KREGER
LLP**

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Attorneys for Defendants,
 Kellogg Co., Kellogg USA, Inc., Kellogg Sales Co.

ADDITIONAL ATTORNEYS FOR PARTIES IDENTIFIED ON SIGNATURE
 PAGE

UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA

SABENA LAKSHMI KAMMULA,
 individually and on behalf of all others
 similarly situated,

Plaintiff,

vs.

KELLOGG COMPANY, a Delaware
 corporation; KELLOGG USA, INC., a
 Michigan corporation; KELLOGG
 SALES COMPANY, a Delaware
 corporation, and DOES 1 through 100,
 inclusive,

Defendants.

No. CV09-08102 (MMM) (RZx)

**STIPULATION AND REQUEST
 FOR [PROPOSED] ORDER TO
 EXTEND DEADLINE TO FILE
 MOTION FOR CLASS
 CERTIFICATION [LOCAL RULE
 23-3]**

Plaintiff SABENA LAKSHMI KAMMULA ("Plaintiff") and Defendants
 KELLOGG COMPANY, KELLOGG USA, INC., and KELLOGG SALES

1 COMPANY (collectively, "Defendants"), by and through their attorneys of record,
2 (collectively, "Parties") agree and stipulate as follows:

3
4 WHEREAS Plaintiff filed her original Complaint in this action on November 5,
5 2009;

6
7 WHEREAS Plaintiff served the Complaint on or about November 20, 2009;

8
9 WHEREAS Plaintiff filed and served a First Amended Complaint on December
10 9, 2009;

11
12 WHEREAS Parties agreed to an extension of time until January 22, 2010 for
13 Defendants to answer or otherwise plead to the amended complaint;

14
15 WHEREAS, Local Rule 23-3 provides, "[w]ithin 90 days after service of a
16 pleading purporting to commence a class action...the proponent of the class shall file
17 a motion for class certification that the action is maintainable as a class action, unless
18 otherwise ordered by the Court";

19
20 WHEREAS, pursuant to Local Rule 23-3, Plaintiff's Motion for Class
21 Certification is currently due on February 18, 2010;

22
23 WHEREAS, the initial status conference in this action has not been set and
24 discovery has not commenced;

25
26 WHEREAS the parties believe it is appropriate that the time period to file a
27 Motion for Class Certification be modified, given that: (1) no discovery on the
28

prerequisites of Rule 23 have occurred; and (2) the parties have not had sufficient time to develop an adequate record to move for, or oppose, class certification;

Accordingly, subject to the approval of this Court, the parties STIPULATE AND AGREE AND HEREBY REQUEST that the Court extend the February 18, 2010 deadline for Plaintiff to file a Motion for Class Certification to a date to be determined at the initial status conference.

Respectfully submitted,

February 2, 2010

Attorneys for Plaintiff Sabena L. Kammula

Attorneys for Defendants Kellogg Company, Kellogg USA, Inc., and Kellogg Sales Company

/s/ Wayne S. Kreger

/s/ Dean N. Panos

MILSTEIN, ADELMAN & KREGER LLP

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EXHIBIT B

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 09-08102-MMM(RZx) Date February 18, 2010

Title Sabena Lakshmi Kammula v. Kellog Company et al

Present: The Honorable MARGARET M. MORROW

ANEL HUERTA

Deputy Clerk

N/A

Court Reporter

Attorneys Present for Plaintiffs:

N/A

Attorneys Present for Defendants:

N/A

Proceedings: IN CHAMBERS - COURT ORDER

On February 18, 2010, the plaintiff filed a motion to certify class (document no. 27) .
The court, on its own motion, hereby continues the hearing on plaintiff's motion to **April 12, 2010 at 10:00 a.m.**